IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1681 OF 2005

Ashwinkumar Prasanna Tendulkar ...Petitioner

Versus

State of Maharashtra ...Respondent

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Mr.Atul G.Damle for Petitioner.

Ms.M.M.Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 7, 2005.

P.C.

1. Heard Counsel for the parties.

2. Counsel for Petitioner contends that the Petitioner having admitted the liability of the amount which is involved in C.R.No.41 of 2005, the necessity of conducting Narco Analysis Test does not arise. The argument seems to be attractive. However, it clearly overlooks that the Petitioner is not disclosing as to where the said amount of Rs.26,00,000/- (Rupees Twenty-six Lakhs) has been

kept. According to the prosecution, besides the present case being C.R.No.41 of 2005, there are other cases pending against the Petitioner and the amount involved will be around Rupees Five Crores.

3. Counsel for the Petitioner was given option to indicate whether the Petitioner would bring back the amount of Rs.26,00,000/- (Rupees Twenty-six Lakhs) within specified time. Learned Counsel states that it is not possible to give that assurance.

4. In the circumstances, in the public interest, it is necessary to permit the investigating agency to proceed with the Narco Analysis Test to collect necessary information. In the circumstances, I see no infirmity in the approach of the Court below in allowing the application preferred by the prosecution. Hence, dismissed.

A.M.KHANWILKAR, J.